

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
WACO DIVISION**

**ALIGN TECHNOLOGY, INC.,**

Plaintiff,

v.

**CLEARCORRECT OPERATING, LLC,  
CLEARCORRECT HOLDINGS, INC.,  
& INSTITUT STRAUMANN AG,**

Defendants.

Civil Action No. 6:24-cv-00187-ADA-DTG

JURY TRIAL DEMANDED

**CLEARCORRECT OPERATING, LLC,  
CLEARCORRECT HOLDINGS, INC.,  
& STRAUMANN USA, LLC,**

Counterclaim-Plaintiffs,

v.

**ALIGN TECHNOLOGY, INC.,**

Counterclaim-Defendant.

**DEFENDANT INSTITUT STRAUMANN AG’S UNOPPOSED MOTION**

Defendant Institut Straumann AG (“Institut Straumann”) respectfully brings this unopposed motion for leave to join Defendants ClearCorrect Operating, LLC, and ClearCorrect Holdings, Inc.’s (collectively “ClearCorrect”) pending motion to dismiss for failure to state a claim under Fed. R. Civ. P. 12(b)(6). (Dkt. 31)

Institut Straumann further moves for leave to withdraw its pending Motion to Dismiss Based on Lack of Personal Jurisdiction (Dkt. 30). In light of changed circumstances specific to the above-captioned litigation since the filing of the motion, Institut Straumann AG will no longer contest that specific personal jurisdiction is proper in this case, given the nature of the claims, defenses, and counterclaims in this particular case. Institut Straumann

reserves the right to contest personal jurisdiction in other cases involving different claims and defenses.

Plaintiff Align does not oppose this motion.

For the reasons set forth herein, Institut Straumann's Unopposed Motion should be granted.

Dated: August 20, 2024

Respectfully submitted,

/s/ Melissa R. Smith

Melissa R. Smith  
Texas Bar No. 24001351  
melissa@gillamsmithlaw.com  
**GILLAM AND SMITH, LLP**  
303 South Washington Avenue  
Marshall, TX 75670  
(903) 934-8450  
Fax: (903) 934-9257

Joseph J. Mueller  
Vinita Ferrera  
Mark A. Ford  
Marissa A. Lalli  
Holly A. Ovington  
Tyler L. Shearer  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
60 State Street  
Boston, MA 02109  
(617) 526-6000  
joseph.mueller@wilmerhale.com  
vinita.ferrera@wilmerhale.commailto:  
mark.ford@wilmerhale.com  
marissa.lalli@wilmerhale.com  
holly.ovington@wilmerhale.com  
tyler.shearer@wilmerhale.com

Omar A. Khan  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
250 Greenwich Street  
New York, NY 10007  
(212) 230-8800  
omar.khan@wilmerhale.com

Gerard A. Salvatore  
Robert B. Stiller  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
2100 Pennsylvania Avenue, NW  
Washington, DC 20037  
(202) 663-6000  
jerry.salvatore@wilmerhale.com  
robert.stiller@wilmerhale.com

Hannah Santasawatkul  
Texas State Bar No. 24107617  
WILMER CUTLER PICKERING HALE AND  
DORR LLP  
1225 17th Street, Suite 2600  
Denver, Colorado 80202  
(720) 274-3135  
hannah.santasawatkul@wilmerhale.com

#### **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system on August 20, 2024.

/s/ Melissa R. Smith  
Melissa R. Smith

#### **CERTIFICATE OF CONFERENCE**

Counsel for Defendant met and conferred with counsel for Plaintiff, and counsel for Plaintiff indicated that Plaintiff does not oppose the relief sought by this Motion.

/s/ Melissa R. Smith  
Melissa R. Smith